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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

STERLING SAVINGS BANK,)	
)	
Plaintiff,)	
)	Civil No. 08-1041-TC
)	
v.)	
)	ORDER
)	
)	
SUNWEST MANAGEMENT, INC., an)	
Oregon corporation; JON M.)	
HARDER and KRISTIN P. HARDER,)	
husband and wife; DARRYL E.)	
FISHER and CAROL L. FISHER,)	
husband and wife,)	
)	
Defendants.)	
)	

Magistrate Judge Thomas M. Coffin filed Findings and Recommendation on July 8, 2009 in the above entitled case. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion

of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Defendants Darryl and Coral Fisher and Kristin Harder have timely filed objections. I have, therefore, given de novo review of Magistrate Judge Coffin's rulings.

Defendants Darryl and Carol Fisher object asserting that allowing summary judgment against them violates an injunction prohibiting lawsuits impacting their assets. Similarly, defendant Kristin Harder objects asserting that same injunction also stays the present action.

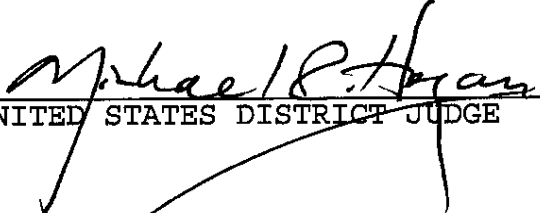
On May 27, 2009, this court entered an order in SEC v. Sunwest Management, Inc., et al., Civil No. 09-6056-HO, in which it noted that relief defendants in that suit, including Darryl Fisher, Kristin Harder, and Carol Fisher, stipulated and agreed to an asset freeze for their assets to provide for the ability of this court to grant final effective relief in equity and at law. To that end, the court ordered that

No creditor of, investor in or claimant against any of the ... individual Relief Defendants or their assets, or any person acting on behalf of any such creditor, investor or claimant, shall take any action to interfere with or harass ... the individual Relief Defendants or any of their assets, including but not limited to, pursuing, noticing, or otherwise commencing, or concluding a foreclosure sale, or the filing of any lawsuits, liens, garnishments, or encumbrances or bankruptcy cases to impact ... any of the assets subject to this order without further order of this Court.

Pursuant to the above injunction, this action against individual defendants Darryl Fisher, Carol Fisher, and Kristin Harder is stayed and the motion for summary judgment (#33) against them is denied without prejudice. The Findings and Recommendations is amended to that extent. Otherwise, I ADOPT Magistrate Judge Coffin's Findings and Recommendation filed on July 8, 2009.

IT IS SO ORDERED.

DATED this 1st day of Oct., 2009.


UNITED STATES DISTRICT JUDGE